REMARKS/ARGUMENTS

This Preliminary Amendment C accompanies an RCE filed in response to a final Office Action dated June 27, 2006.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 13, 16, 18-20, and 31 under 35 U.S.C. 103(a) as being unpatentable over Caldwell in view of Sparrevik.

Regarding claim 13, Applicant contends that the Examiner has not met the requirements for a proper prima facie case of obviousness type rejection under Section 103. First Applicant contends that the Examiner has used non-analogous art in rejecting Applicant's claim. More specifically, Applicant contends that the reference to Sparrevik is non-analogous art. Applicant's claim is to a sensor arrangement including a plurality of sensor nodes. Sparrevik, on the other hand, is a reference concerning a seismic sheer wave generator. Applicant contends that the field of *transmitting* high energy sheer waves is non-analogous to the field of *sensing* very low energy signals produced by seismic generators and that a person of ordinary skill in the sensor node art would not consider sheer generator technology.

Second, Applicant notes that the Federal Circuit has consistently held that when a Section 103 rejection is based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, such a proposed modification is not proper and the prima facie case of obviousness cannot be properly made. See, for example, *In re Gordon,* 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In this case, the Examiner argues that it would obvious to attach the cylindrical skirt of Sparrevik to the bottom of the node type sensor of Caldwell. Caldwell clearly teaches that the node type sensors "are stabbed into the sea floor by remotely operated vehicles (ROVs)" (page 1280, column 1, see also column 2). This stabbing deployment is well known to operate relatively quickly. The addition of Sparrevik's skirt to the

bottom of Caldwell's sensor node would make this quick stabbing deployment method impossible. Only with the time consuming use of a pumping system or the like such as taught by Sparrevik (see for example pages 2-3) can be the skirt be embedded into the seabed. Thus, the addition of Sparrevik's skirt to Caldwell's sensor node destroys the function of Caldwell's node.

Regarding claims 16, 17, 18, 19, 20, 21, 22 and 31, Applicant notes that these claims depend from claim 13. As a result, the arguments made above regarding claim 13 apply equally well to these claims and are incorporated herein by reference.

Regarding claim 24, Applicant contends that the Examiner has not met the requirement for a proper prima facie obviousness rejection. First, Applicant notes that the arguments made above regarding claim 13 apply equally well to this claim since it depends from claim 13. In addition, Applicant notes that there must be a basis in the art for combining or modifying references. Here the Examiner contends that it would be obvious to combine the buried cable 27 taught by Vincent with the sensor node of Caldwell modified with the skirt of Sparrevik. There is simply no reason to make this combination because the cable taught by Caldwell is intentionally positioned to extend out of the top of the sensor node - see Figure 1. There is no motivation to bury Caldwell's cable under any portion of the sea bed! This would only add complexity and would provide no advantage.

Regarding claim 41, Applicant notes that claim 41 depends from claim 24 and thus the arguments made above regarding claim 24 apply equally well and are incorporated herein by reference. In addition, Applicant notes that all claim limitations must be considered. Claim 41 requires a single outlet that accomplishes two functions; (1) it must receive a cable; and, (2) it must discharge sediment during deployment. No reference or combination of references teach an outlet that simultaneously achieves both of these functions. Thus, Applicant contends that the Examiner has not properly rejected this claim.

New Claims

Applicant has also enclosed new claims 42-49, which include combinations of features provided in Applicant's specification and which Applicant believes are not anticipated or suggested by any art of record. Applicant also notes that many of the arguments made above apply equally well to these claims in so far as the Examiner would attempt to use the same references in rejecting these claims.

Extension of Time

The three month deadline was September 27, 2006. Applicant is filing this Preliminary Amendment C along with an RCE on October 27, 2006. Thus, a Petition for a two-month extension of time is enclosed.

Information Disclosure Statement

Applicant is also filing a Supplemental IDS. The only reference being cited is U.S. Patent No. 5,442, 590, titled SEISMIC CABLE DEVICE to Svenning et al. Note that this is the U.S. patent which claims priority from previously disclosed PCT Publication No. WO91/06879.

CONCLUSION

Applicant now believes that this application complies with 37 CFR § 1.121 and thus requests examination of this Preliminary Amendment C. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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